


Entered - 08/07/02 - sb  
CL - 02L0554 LISA CARTER

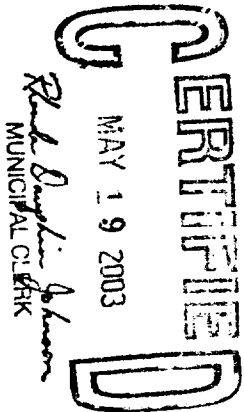
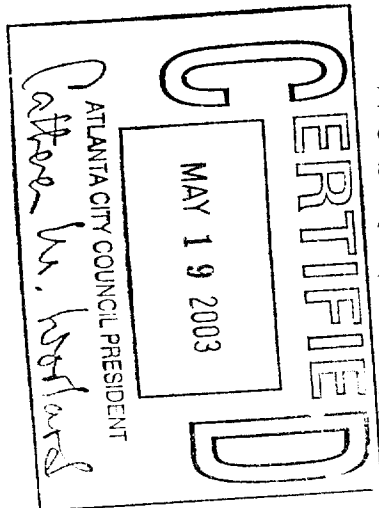
03-*R*-0736

CLAIM OF: DEOLA CANADY  
725 Queen Street, S.W  
Atlanta, GA 30310

For damages alleged to have been sustained as a result  
of property damage from a sewer project in April 1997  
at 725 Queen Street, S.W. Atlanta, GA 30310.

THIS ADVERSED REPORT IS  
APPROVED

BY:   
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY



Adversed By  
Council 5-19-03

## ADVERSE REPORT

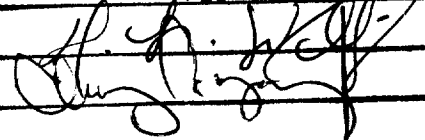
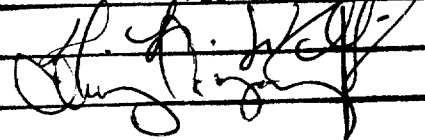
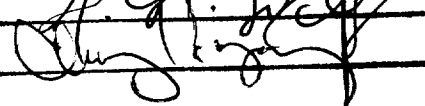
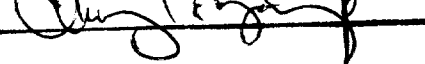

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *5/13/03*

CHAIR: 

*C. T. Martin*



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

May 27, 2003

Deola Canady  
725 Queen St., SW  
Atlanta, GA 30310

03-R-0736

Dear Ms. Canady:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 19, 2003. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0554

Date: April 25, 2003

Claimant /Victim DEOLA CANADY  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 725 Queen Street, S.W. Atlanta, GA 30310  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ unspecified Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 07/30/02 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 \_\_\_\_\_ Ante Litem (6 Mo.) \_\_\_\_\_  
Date of Occurrence 04/97 Place: 725 Queen Street, S.W. Atlanta, GA 30310  
Department Watershed Management Bureau: \_\_\_\_\_ Division: Sewer Operation  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that her property was damaged during a sewer project and that storm water and waste water flooded the basement. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. § 36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

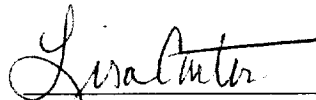
INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:


Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months X Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 04-30-03  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 4717  
5/19/03  
2:39 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-14 Except:03-O-0456; 03-R-0598  
03-R-0703; 03-R-0773; 03-R-0788  
Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
B Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

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**5/19/03 FULL COUNCIL MEETING**

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**Items Adopted on the Consent Agenda**

- |               |               |
|---------------|---------------|
| 1. 03-O-0601  | 36. 03-R-0726 |
| 2. 03-O-0551  | 37. 03-R-0727 |
| 3. 03-O-0552  | 38. 03-R-0728 |
| 4. 03-O-0600  | 39. 03-R-0729 |
| 5. 03-O-0554  | 40. 03-R-0730 |
| 6. 03-O-0617  | 41. 03-R-0731 |
| 7. 03-O-0632  |               |
| 8. 03-O-0633  |               |
| 9. 03-O-0660  |               |
| 10. 03-O-0772 |               |
| 11. 03-O-0628 |               |
| 12. 03-O-0759 |               |
| 13. 03-R-0655 |               |
| 14. 03-R-0700 |               |
| 15. 03-R-0701 |               |
| 16. 03-R-0704 |               |
| 17. 03-R-0784 |               |
| 18. 03-R-0785 |               |
| 19. 03-R-0707 |               |
| 20. 03-R-0708 |               |
| 21. 03-R-0709 |               |
| 22. 03-R-0718 |               |
| 23. 03-R-0782 |               |
| 24. 03-R-0713 |               |
| 25. 03-R-0714 |               |
| 26. 03-R-0716 |               |
| 27. 03-R-0760 |               |
| 28. 03-R-0768 |               |
| 29. 03-R-0774 |               |
| 30. 03-R-0776 |               |
| 31. 03-R-0779 |               |
| 32. 03-R-0722 |               |
| 33. 03-R-0723 |               |
| 34. 03-R-0724 |               |
| 35. 03-R-0725 |               |

**Items Adversed on the  
Consent Agenda**

- |               |
|---------------|
| 42. 03-R-0732 |
| 43. 03-R-0733 |
| 44. 03-R-0734 |
| 45. 03-R-0735 |
| 46. 03-R-0736 |
| 47. 03-R-0737 |
| 48. 03-R-0738 |
| 49. 03-R-0739 |
| 50. 03-R-0740 |
| 51. 03-R-0741 |
| 52. 03-R-0742 |
| 53. 03-R-0743 |
| 54. 03-R-0744 |
| 55. 03-R-0745 |
| 56. 03-R-0746 |
| 57. 03-R-0747 |
| 58. 03-R-0748 |
| 59. 03-R-0749 |
| 60. 03-R-0750 |
| 61. 03-R-0783 |

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Consent I Vote: 13 Yeas; 0 Nays: (See RCS #4717)

Items Removed from the Consent Agenda: 03-O-0456; 03-R-0598; 03-R-0703; 03-R-0773; 03-R-0788